

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Inquiry Concerning Deployment of Advanced) GN Docket No. 17-199
Telecommunications Capability to All Americans)
in a Reasonable and Timely Fashion)

ORDER

Adopted: September 5, 2017

Released: September 5, 2017

Revised Comment Date: September 21, 2017

Revised Reply Comment Date: October 6, 2017

By the Chief, Competition Policy Division, Wireline Competition Bureau, and the Chief, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau:

1. By this Order, the Wireline Competition Bureau and Wireless Telecommunications Bureau extend the deadline for filing initial and reply comments in response to the Thirteenth Section 706 Report Notice of Inquiry until September 21, 2017 and October 6, 2017, respectively.¹

2. The Thirteenth Section 706 Report Notice of Inquiry set dates for filing comments and reply comments on September 7, 2017 and September 22, 2017, respectively. On August 31, 2017, New America's Open Technology Institute, American Library Association, Center for Democracy & Technology, Center for Media Justice, Center for Rural Strategies, Common Cause, Computer & Communications Industry Association, INCOMPAS, National Consumer Law Center (on behalf of their low-income clients), National Hispanic Media Coalition, OpenMedia, Open Media and Information Companies Initiative (Open MIC), and Public Knowledge (collectively, Movants) jointly filed a Request for Extension of Time to File Initial and Reply Comments (Motion) seeking an eight-week extension of the comment and reply comment deadlines in this proceeding.² In addition, on August 31, 2017, twelve United States Senators jointly sent a letter (Request) to the Chairman and Commissioners seeking a 30-day extension for both the initial and reply comment periods.³

3. Movants contend that an extension is warranted because (1) the Commission's current Section 706 proceeding could have "an enormous impact on the Commission's role in regulating broadband internet access service providers and promoting broadband deployment"; (2) the questions raised by the Section 706 Notice of Inquiry are "directly tied to questions posed in other proceedings for

¹ *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 17-199, Thirteenth Section 706 Report Notice of Inquiry, FCC 17-109 (Aug. 8, 2017).

² Motion for Extension of Time to File Initial Reply Comments, WC Docket No. 17-199 (filed August 31, 2017) (Motion).

³ See Letter from United States Senators Al Franken, Sherrod Brown, Tammy Baldwin, Richard Blumenthal, Heidi Heitkamp, Amy Klobuchar, Elizabeth Warren, Brian Schatz, Edward J. Markey, Tom Udall, Kirsten Gillibrand, and Ron Wyden, to Chairman Pai and Commissioners Clyburn, O'Rielly, Carr and Rosenworcel (Aug. 31, 2017) (Request).

which comment cycles are currently in progress”; (3) the record sought by the Section 706 Notice of Inquiry is a “detailed record that takes considerable time to procure”; and (4) the requested extension “will not cause undue delay or prejudice for the Commission.”⁴ The Senators’ Request states that the Section 706 Notice of Inquiry “signals potentially significant changes in agency policy” and “that such substantial shifts in policy require greater consideration and debate” than the current schedule for comments.⁵

4. While it is the policy of the Commission that “extensions shall not be routinely granted,”⁶ we find that an extension of the comment and reply comment deadline is appropriate in this case in order to allow interested parties to review relevant public materials and develop thorough, informative submissions. While we recognize that the Motion and Request seek lengthier extensions, we find, consistent with past Commission precedent granting partial extensions, that an additional two weeks is an appropriate period of time to extend the comment and reply comment deadlines in order to provide parties additional time to analyze the technical, legal, and policy issues raised in this proceeding.⁷ Furthermore, given Section 706’s mandated 180-day timeframe for completion of the inquiry,⁸ a longer extension could inhibit the Commission’s ability to fully consider the record and meet its statutory obligations. We find that permitting interested parties an additional two weeks in which to file their comments and reply comments will allow parties to provide the Commission with more thorough comments, ensuring that the Commission has a complete record on which to develop its decisions while giving the Commission sufficient time to meet its statutory obligation.

5. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 5, and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 155, and 303(r), and sections 0.91, 0.131, 0.291, 0.331, 1.46, and 1.415 of the Commission’s rules, 47 CFR §§ 0.91, 0.131, 0.291, 0.331, 1.46, and 1.415, that the Motion for Extension of Time to File Initial and Reply Comments filed by New America’s Open Technology Institute, American Library Association, Center for Democracy & Technology, Center for Media Justice, Center for Rural Strategies, Common Cause, Computer & Communications Industry Association, INCOMPAS, National Consumer Law Center, National Hispanic Media Coalition, OpenMedia, Open Media and Information Companies Initiative, and Public Knowledge on August 31, 2017, IS GRANTED, IN PART, and the deadline for filing comments is extended to September 21, 2017 and the deadline for filing reply comments is extended to October 6, 2017.

⁴ See generally Motion at 1-7.

⁵ Request at 1.

⁶ 47 CFR § 1.46(a).

⁷ See, e.g., *Restoring Internet Freedom*, WC Docket No. 17-108, Order, DA 17-761 (WCB Aug. 11, 2017) (granting a two-week extension when parties sought an eight-week extension); *Promoting Innovation and Competition in the Provision of Multichannel video programming distribution services*, MB Docket No. 14-261, Order, 30 FCC Rcd 1160 (MB Feb. 10, 2015) (granting a two-week extension of the comment and reply deadlines after parties sought a longer extension); *Wireless Telecommunications Bureau Extends Period to File Reply Comments on Motorola, Inc. Request for Interpretation or Waiver of Section 90.267 of the Commission’s Rules Regarding 450-470 MHz Band Low Power Operators*, WT Docket No. 10-74, Public Notice, 25 FCC Rcd 4694 (MB May 3, 2010) (granting a 10-day extension of reply comment deadline upon motion for a longer extension, “to ensure that the Commission obtains a complete and thorough record”); *Lifeline and Linkup Reform and Modernization*, WC Docket Nos. 11-42, 09-197, 10-90, Order, 30 FCC Rcd 8233 (WCB Aug. 5, 2015) (granting two-week extensions for filing comments and replies, finding that limited extensions “will allow for more thoughtful consideration of the issues raised . . . , while at the same time not unduly delaying the resolution of these issues”); *Cable Television Technical and Operation Requirements*, MB Docket No. 12-217, Order, 27 FCC Rcd 16019, (MB Dec. 21, 2012) (granting a two-week extension, given the importance of the issues, when parties sought a longer extension).

⁸ 47 U.S.C. § 1302(b).

FEDERAL COMMUNICATIONS COMMISSION

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